

JOSEPH W. COTCHETT (#36324)
jcotchett@cpsmlaw.com
 MARK C. MOLUMPY (#168009)
mmolumpy@cpsmlaw.com
 KELLY L. SOMMERFELD (#234025)
ksommerfeld@cpsmlaw.com
 COTCHETT, PITRE, SIMON & McCARTHY
 840 Malcolm Road, Suite 200
 Burlingame, CA 94010
 Telephone: (650) 697-6000
 Fax: (650) 697-0577

Proposed Co-Lead Counsel for the Class

DAVID A.P. BROWER
brower@browerpiven.com
 ELIZABETH A. SCHMID
Schmid@browerpiven.com
 BROWER PIVEN
 A Professional Corporation
 488 Madison Avenue
 Eighth Floor
 New York, NY 10022
 Telephone: (212) 501-9000
 Fax: (212) 501-0300

Proposed Co-Lead Counsel for the Class

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MARGARET KOVARIK, individually and
 on behalf of all those similarly situated,

Plaintiff,

v.

FOXHOLLOW TECHNOLOGIES, INC.,
 JOHN B. SIMPSON, MATTHEW B.
 FERGUSON, and Does 1-10,

Defendants.

Case No. C-06-4595 PJH

CLASS ACTION

PRIVATE SECURITIES LITIGATION
 REFORM ACT

**STIPULATION AND [PROPOSED]
 ORDER (1) CONSOLIDATING
 RELATED CASES AND (2)
 APPOINTING LEAD PLAINTIFFS AND
 LEAD COUNSEL**

Ctrm: 3, 17th Floor
 Hon. Phyllis J. Hamilton

Stipulation and [Proposed] Order (1) Consolidating Related Cases and
 (2) Appointing Lead Plaintiffs and Lead Counsel

STIPULATION

WHEREAS, plaintiff Margaret Kovarik is the named plaintiff in this class action, brought on behalf of all persons and entities who purchased FoxHollow common stock from May 13, 2005 through January 26, 2006 (the "Class Period") and suffered damages (the "Class"); and

WHEREAS, after publishing notice of the right to serve as lead plaintiff, pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA"), two motions were timely filed seeking to (1) consolidate all other related actions and (2) appoint lead plaintiff and counsel; and

WHEREAS, the moving parties assert that they meet the adequacy standards of the PSLRA and the requirements of Rule 23 of the Federal Rules of Civil Procedure, and jointly believe that it will serve the interests of the Class to have co-lead plaintiffs, represented by their respective firms serving as co-lead counsel; and

WHEREAS, defendants have informed plaintiffs' counsel that, while they take no position regarding the appointment of lead plaintiffs or counsel, they do not object to the consolidation of the related complaints,

THEREFORE, IT IS HEREBY STIPULATED, subject to court approval, that:

Consolidation

1. The actions entitled, *Kovarik v. Foxhollow Technologies, Inc., et al.*, Case No. C-06-4595-PJH and *Kelley v. Foxhollow Technologies, Inc., et al.*, Case No. C-06-5026-MHP are consolidated for all purposes including, but not limited to, discovery, pretrial proceedings and trial proceedings, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure under the following caption:

-----X

**IN RE FOXHOLLOW TECHNOLOGIES,
INC. SECURITIES LITIGATION**

Master File No. 06-4595-PJH

-----X

2. A Master Docket and Master File are hereby established for this Action. The Master File shall be Civil Action No. 06-4595-PJH. Entries in the Master Docket shall be applicable to this Action and any subsequently filed actions related hereto, as more fully set forth below.

3. When a case that arises out of the subject matter of this action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- a. file a copy of this Order in the separate file for such action;
- b. mail a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and
- c. make the appropriate entry in the docket for this action.

Each new case which arises out of the subject matter of this Action that is filed in this Court or transferred to this Court shall be consolidated with this Action and this Order shall apply thereto, unless a party objecting to this Order or any provision of this Order shall, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, files an application for relief from this Order or any provision herein and this Court deems it appropriate to grant such application.

Appointment of Co-Lead Plaintiff, Co-Lead Counsel, and Liaison Counsel

4. Margaret Kovarik and Matthew Roberts are appointed to serve as Co-Lead Plaintiffs. Both Kovarik and Roberts satisfy the requirements for appointment as Lead Plaintiffs pursuant to the PSLRA.

5. Lead Plaintiffs, pursuant to the PSLRA, have selected and retained the law firms of Cotchett, Pitre, Simon & McCarthy and Brower Piven, A Professional Corporation, to serve as Co-Lead Counsel in this Consolidated Action.

6. Plaintiffs' Co-Lead Counsel shall have the following responsibilities and duties, to be carried out on behalf of plaintiffs and the proposed class, either personally or through counsel whom Co-Lead Counsel shall designate:

- 1 a. to coordinate the briefing and argument of motions and the presentation
- 2 of positions at pretrial conferences;
- 3 b. to coordinate the conduct of discovery proceedings;
- 4 c. to call meetings of the plaintiffs' counsel as they deem necessary and
- 5 appropriate from time to time;
- 6 d. to coordinate discussions with defendants and their counsel, including all
- 7 settlement negotiations;
- 8 e. to coordinate the preparation for trial and the trial of this matter and to
- 9 delegate work responsibilities to selected counsel as may be required;
- 10 f. to coordinate any motion for approval of settlement, including any motions
- 11 seeking the award of fees and/or reimbursement of costs; and
- 12 g. to supervise any other matters concerning the prosecution, resolution or
- 13 settlement of the Consolidated Action.

14 7. Counsel in any related action that is consolidated with the Consolidated Action
15 shall be bound by this organization of plaintiffs' counsel.

16 8. The firm of Gutride Safier LLP shall serve as plaintiffs' Liaison Counsel.

17 9. Co-Lead Counsel shall be the contact between plaintiffs' counsel and defendants'
18 counsel, and shall have the responsibility of receiving and disseminating Court orders and
19 notices.

20 10. Defendants shall effect service of papers on plaintiffs by serving a copy on Co-
21 Lead and Liaison Counsel. Plaintiffs shall effect service of papers on defendants by serving a
22 copy on defendants' counsel.

23 IT IS SO STIPULATED.

24 Dated: October 25, 2006.

COTCHETT, PITRE, SIMON & McCARTHY

26 By: /s/
27 MARK C. MOLUMPBY

28 *Proposed Co-Lead Counsel for the Class*

1 Dated: October 25, 2006.

BROWER PIVEN
A Professional Corporation

2
3 By: _____/s/
4 DAVID A.P. BROWER

5 *Proposed Co-Lead Counsel for the Class*

6 I, Mark C. Molumphy, am the ECF user whose ID and password is being used to file this
7 STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X, B., I
8 hereby attest that David Brower has concurred with this filing.

9
10 **ORDER**

11 IT IS SO ORDERED.

10/26/06

12 Dated: _____.

